

3COM-T1112.CIP



Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Sherer et al. )  
Serial No.: 09/488,942 )  
Filed: 01/21/00 )  
For: PROGRAMMED I/O ETHERNET )  
ADAPTER WITH EARLY )  
INTERRUPTIONS FOR )  
ACCELERATING DATA TRANSFER )  
\_\_\_\_\_ )

Art Unit:

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING  
INVENTOR UNDER 37 C.F.R. §1.47(b)

Dear Sir:

I hereby declare:

1. I am making this STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR UNDER 37 C.F.R. §1.47(b) in connection with U.S. Patent Application Serial No. 09/488,942, filed January 21, 2000 (hereinafter referred to as "the present patent application").

2. I currently reside at 31 Playa Boulevard, La Selva Beach, CA 95076.

09/20/2000 WKOROMA 00000043 09488942

05 FC:122

130.00 OP

3. I am a registered patent attorney of record in the present patent application and am a partner at the law firm of Wagner, Murabito & Hao L.L.P. (hereinafter "the firm").

4. The last known residence of Mr. James P. Rivers is: 1716 Noranda Drive #3, Sunnyvale, California 94086.

5. On March 7, 2000, the present patent application was filed with the U.S. Patent Office with an unsigned Declaration.

6. A Notice To File Missing Parts Of Application was received by the firm on May 17, 2000.

7. A draft of the present patent application was sent via overnight mail along with Declaration and Assignment forms were sent to Mr. Rivers at his prior home address, 730 East Evelyn #139, Sunnyvale, California 94086 on May 26, 2000, for his signature.

8. On June 1, 2000 the package was forwarded to the Address on Noranda Drive by FedEx, but Mr. Rivers was no longer residing at this address. The package was sent back to the firm marked undeliverable.

9. On June 19, 2000 an email was sent to a 3Com employee asking if she had a more recent address for Mr. Rivers on file.

10. On June 21, 2000 the firm received a response from 3Com stating that they did not have any information on file for Mr. Rivers and that he may have been a temporary employee or a contractor.

11. This petition is necessary to prevent the present patent application from becoming abandoned, which would cause irreparable damage to 3Com.

12. Enclosed is a check for the petition fee of \$130.00.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
WAGNER, MURABITO & HAO L.L.P.

Date: \_\_\_\_\_, 2000

\_\_\_\_\_  
John P. Wagner, Jr.  
Reg. No. 35,398



PETITION FORM FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY  
INTEREST ON BEHALF OF OMITTED INVENTOR(S)WHO REFUSE(S)TO  
SIGN OR CANNOT BE REACHED  
(37 CFR 1.47(b))

I, John P. Wagner, Jr.

*(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))*

hereby declare that:

I. I am a citizen of United States of America

residing at 31 Playa Boulevard

La Selva Beach, CA 95076

II. I  
☐ am a person with sufficient proprietary interest.

☒ am a registered attorney, authorized by the following person or juristic entity with  
sufficient proprietary interest,

*(complete the following information, if applicable):*

3COM Corporation

5400 Bayfront Plaza

Santa Clara, California 95052

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Mr. James P. Rivers

omitted inventor who

☐ refuses to sign

☒ cannot be found or reached

Citizenship: United States of America

1716 Noranda Drive #3

Sunnyvale, California 94086

IV. Upon information and belief, I aver those fact that the inventors is required to state, 37 CFR 1.64(b)

V. Accompanying this declaration is:

A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR,  
to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

the petition fee of \$130.00 (37 C.F.R. 1.17(l) )

Date: \_\_\_\_\_

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3. I am a registered patent attorney of record in the present patent application and am a partner at the law firm of Wagner, Murabito & Hao L.L.P. (hereinafter "the firm").

4. The last known residence of Ms. Cynthia Zikmund is: 114 Roble Road, Boulder Creek, California 95006.

5. On March 7, 2000, the present patent application was filed with the U.S. Patent Office with an unsigned Declaration.

6. A Notice To File Missing Parts Of Application was received by the firm on May 17, 2000.

7. A draft of the present patent application was sent via overnight mail along with Declaration and Assignment forms to Ms. Zikmund at her home address, on May 26, 2000, for her signature. There was no response.

8. Another set of Declaration and Assignment forms were sent via overnight delivery with a self-addressed return overnight delivery envelope to Ms. Zikmund on July 19, 2000. The package was returned as undeliverable. Ms. Zikmund was no longer at that address and there was not a forwarding address on file.

9. This petition is necessary to prevent the present patent application from becoming abandoned, which would cause irreparable damage to 3Com.

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5400 Bayfront Plaza

Santa Clara, California 95052

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Ms. Cynthia Zikmund  
omitted inventor who

☐ refuses to sign

☒ cannot be found or reached

Citizenship: United States of America

114 Roble Road

Boulder Creek, California 95006

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3. I am a registered patent attorney of record in the present patent application and am a partner at the law firm of Wagner, Murabito & Hao L.L.P. (hereinafter "the firm").

4. The last known residence of Mr. Niles E. Strohl is: 1534 Mancha Drive, Boulder, Nevada 89005.

5. On March 7, 2000, the present patent application was filed with the U.S. Patent Office with an unsigned Declaration.

6. A Notice To File Missing Parts Of Application was received by the firm on May 17, 2000.

7. A draft of the present patent application was sent via overnight mail along with Declaration and Assignment forms were sent to Mr. Strohl at his prior home address, 1885 Birchwood Drive, Tracy, California 95376 on May 26, 2000, for his signature. The package was returned to the Firm as undeliverable. No forwarding address was on file.

8. The Firm was able to obtain a more recent address from a 3Com employee on June 21, 2000. This was the address on Mancha Drive.

9. Another set of Declaration and Assignment forms were sent via overnight delivery with a self-addressed return overnight delivery envelope to Mr. Strohl on July 6, 2000. There was no response.

10. Another set of Declaration and Assignment forms were sent via overnight delivery with a self-addressed return overnight delivery envelope to Mr. Strohl on July 19, 2000. The package was returned as undeliverable. Mr. Strohl was no longer at that address and there was not a forwarding address on file.

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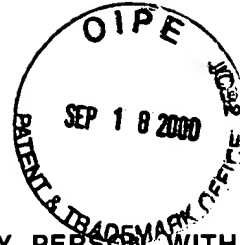
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3COM Corporation

5400 Bayfront Plaza

Santa Clara, California 95052

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Mr. Niles E. Strohl

omitted inventor who

☐ refuses to sign

☒ cannot be found or reached

Citizenship: United States of America

1534 Mancha Drive

Boulder, Nevada 89005

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4. The last known residence of Mr. Richard Hausman is: 4930 Cherryvale Avenue, Soquel, California 95073.

5. On March 7, 2000, the present patent application was filed with the U.S. Patent Office with an unsigned Declaration.

6. A Notice To File Missing Parts Of Application was received by the firm on May 17, 2000.

7. A draft of the present patent application was sent via overnight mail along with Declaration and Assignment forms to Mr. Hausman at his home address, on May 26, 2000, for his signature.

8. Mr. Hausman contacted the Firm approximately 2 weeks later and informed Mr. John Wagner, Jr. that he refused to sign the documents.

9. This petition is necessary to prevent the present patent application from becoming abandoned, which would cause irreparable damage to 3Com.

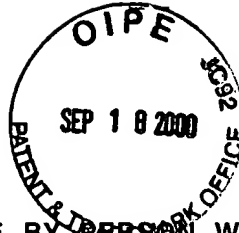
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Mr. Richard Hausman

omitted inventor who

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Citizenship: United States of America

4930 Cherryvale Avenue

Soquel, California 95073

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